

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
Case No. 1:21-cv-239-MR-WCM**

CHATTOOGA CONSERVANCY, INC.,  
CRAIG PROBST, and NANCY PROBST

Plaintiffs,

v.

HIGH HAMPTON LAND, LLC,  
HIGH HAMPTON RESORT, LLC,  
DANIEL COMMUNITIES, LLC, and  
DANIEL COMMUNITIES MANAGEMENT  
CORPORATION,

Defendants.

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) **JOINT NOTICE OF**  
) **LODGING OF**  
) **PROPOSED CONSENT**  
) **DECREE**  
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Plaintiffs and Defendants (collectively “the Parties”) hereby notify the Court that they are lodging the proposed Consent Decree filed herewith for the purpose of providing notice of the proposed settlement of this matter to the Attorney General of the United States (“Attorney General”) and the Administrator of the United States Environmental Protection Agency (“Administrator”) as required by Section 505(c)(3) of the federal Clean Water Act ("CWA"), 33 U.S.C. §1365(c)(3).

Plaintiff will send a copy of the proposed Consent Decree to the Department of Justice, Citizen Suit Coordinator, and to the Administrator. Pursuant to 40 C.F.R. § 135.5, Plaintiff will notify the Court of the dates of service of the proposed Consent Decree on the Attorney General and the Administrator.

The attached proposed Consent Decree has been signed by the Parties and will, pursuant to its terms, fully resolve this litigation as to the Parties upon entry by the Court. The Parties respectfully request that the Court not sign the proposed Consent Decree at this time. Instead, the Consent Decree should remain lodged until after the statutory 45-day period for review by the Administrator and the Attorney General has passed, or until the Attorney General informs the Court that it has completed its review. At such time, if the Court finds the Consent Decree to be fair, reasonable, and in the public interest, the Parties respectfully request that the Court enter it as expeditiously as possible.

This the 21st day of September, 2022.

/s/ Craig K. Pendergrast (with permission)

/s/ M. Elizabeth Harrison

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***Attorneys for Defendants***

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing JOINT NOTICE OF LODGING OF PROPOSED CONSENT DECREE has been filed electronically with the Clerk of Court by using the CM/ECF system which will automatically email all counsel of record.

This the 21st day of September, 2022.

/s/ M. Elizabeth Harrison  
OF COUNSEL